

1  
2  
3  
4  
5  
6  
7  
8           UNITED STATES DISTRICT COURT  
9           WESTERN DISTRICT OF WASHINGTON  
10           AT TACOMA

11 CLINTON HECK,

12           Plaintiff,

13           CASE NO. C11-5539-BHS-JRC

14           v.

15           ORDER

16 BRUCE GAGE et al.

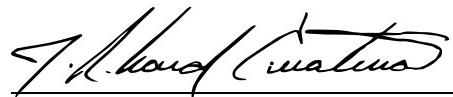
17           Defendants.

18           This 42 U.S.C. §1983 civil rights matter has been referred to the undersigned  
19 Magistrate Judge pursuant to 28 U.S.C. §§ 636 (b)(1)(A) and (B) and Local Magistrate  
20 Judge Rules MJR 1, MJR 3, and MJR 4. On September 20, 2011, Defendants filed a  
21 motion to dismiss. The motion is noted for October 14, 2011 (ECF No. 17). Plaintiff  
22 then filed an amended complaint on October 7, 2011, seventeen days after defendants  
23 filed the motion to dismiss (ECF No 20).

24           A plaintiff may amend the complaint once as a matter of course within twenty-one  
25 days of a motion to dismiss being filed. Plaintiff's amendment is made pursuant to Fed.  
R. Civ. P. 15 (a) (1) (B) The Court will not consider the motion to dismiss (ECF No. 17)

1 at this time. If appropriate, defendants may re-file a new motion or proceed as allowed  
2 under the federal rules. The Clerk's Office is directed to remove ECF No. 17 from the  
3 Court's calendar.

4 Dated this 13<sup>th</sup> day of October, 2011.

5   
6 J. Richard Creatura  
7 United States Magistrate Judge